

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Joseph D. Caputo
Ruth N. Caputo
Debtor(s)

Bankruptcy Case No.: 17-21491-JAD
Related to Docket No. 65
Chapter: 13
Docket No.: 72 - 65
Concil. Conf.: July 11, 2019 at 11:00 AM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated May 22, 2019 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$2,686.00 as of July, 2019. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Jul. 11, 2019 at 11:00 AM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: A fee application is needed if fees, including retainer, exceeds \$4,000 including any fees paid to prior counsel.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.

Dated: July 12, 2019

Jeffery A. Deller
United States Bankruptcy Judge

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 6
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Joseph D. Caputo
 Ruth N. Caputo
 Debtors

Case No. 17-21491-JAD
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: ctak
 Form ID: 149

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 Total Noticed: 57

Date Rcvd: Jul 12, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 14, 2019.

db/jdb
 14401820 +Joseph D. Caputo, Ruth N. Caputo, P.O. Box 5, Fredericktown, PA 15333-0005
 14401821 +Advanced Recovery System, 901 E 8th Ave Ste 206, King Of Prussia, PA 19406-1354
 14401821 +Andrew F. Gornall, Esquire, KML Law Group, P.C., 701 Market Street, Suite 5000, Philadelphia, PA 19106-1541
 14401823 At&T, Po Box 57907 Attn: Dispute Investigatio, Murray, UT 84157-0907
 14401866 +CHASE CARD SERVICES, 201 NORTH WALNUT STREET, ATTN MARK PASCALE, MAIL STOP DE1-1406, WILMINGTON DE 19801-2920
 (address filed with court: Washington Mutual, Po Box 1093, Northridge, CA 91328)
 14401825 +Certeqy, P.O. Box 30046, Tampa, FL 33630-3046
 14401826 +Chase, Po Box 24696, Columbus, OH 43224-0696
 14401827 Chase Manhattan Bank, PO Box 830016, Baltimore, MD 21283
 14401828 Citifinancial, PO Box 830016, Baltimore, MD 21283
 14401837 ECS of Pennsylvania, P.O. Box 5020, Knoxville, TN 37950
 14401835 +Eagle Emergency Care Inc., PO Box 28, Washington, PA 15301-0028
 14401838 +First Premier Bank, 601 S Minnesota Ave, Sioux Falls, SD 57104-4868
 14401841 +HVHS, 2 Peartree Way, Beaver, PA 15009-1954
 14401840 +Hsbc Bank, Po Box 5253, Carol Stream, IL 60197-5253
 14401842 +JP Morgan Chase Bank, 7255 Baymeadows Way, Mailstop JAXB2007, Jacksonville, FL 32256-6851
 14401843 +KML Law Group, Suite 5000-Mellon Independence Center, 701 Market Street, Philadelphia, PA 19106-1538
 14521962 Louis A. Johnson VA Medical Center, Pne Medical Center Drive, Clarksburg, WV 26301
 14401846 +Masterfin, 333 South Anita Drive Suite 150, Orange, CA 92868-3320
 14401850 Mon valley Hospital, 1163 Country Club Road, Monongahela, PA 15063-1095
 14401851 +National City, Pob 400104, Pittsburgh, PA 15278-0001
 14401852 +Natl Recover, 4201 Crums Mill Rd, Harrisburg, PA 17112-2893
 14401853 Nco Fin/55, Po Box 13570, Philadelphia, PA 19101
 14521973 +PA Department Of Labor & Industry, PO Box 28405, Harrisburg, PA 17128-0001
 14401857 +Revenue Recovery, P O Box 2698, Knoxville, TN 37901-2698
 14401859 Sears Roebuck and Co., P.O. Box 2400, Omaha, NE 68103-2400
 14401861 +Southwest Gastroenterology, 3515 Washington Road, Suite 570, McMurray, PA 15317-3070
 14401862 +United Collect Bureau, 5620 Southwyck Blvd Ste, Toledo, OH 43614-1501
 14401864 +Washington Hospital, 155 Wilson Avenue, Washington, PA 15301-3398
 14401865 +Washington Hospital, ATTN: Ed Scheddy, 155 Wilson Avenue, Washington, PA 15301-3398
 14401869 +Windstream, 1720 Galleria Boulevard, Charlotte, NC 28270-2408
 14401870 +Windstream, Attn: Support Services, 1720 Galleria Blvd., Charlotte, NC 28270-2408
 14401872 +Zenith Acquisition, 220 John Glenn Dr # 1, Amherst, NY 14228-2246
 14401836 eCAST Settlement Corp., Post Office Box 35480, Newark, NJ 07193-5480

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14681816 E-mail/PDF: resurgentbknofications@resurgent.com Jul 13 2019 02:57:33
 Ashley Funding Services, LLC its successors and, assigns as assignee of Laboratory, Corporation of America Holdings, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 14401822 +E-mail/Text: BANKRUPTCY@ASSETACCEPTANCE.COM Jul 13 2019 02:54:00 Asset Acceptance, Po Box 2036, Warren, MI 48090-2036
 14401824 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Jul 13 2019 02:57:25 Capital One, PO Box 71083, Charlotte, NC 28272-1083
 14401831 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Jul 13 2019 02:53:41 Comenity Bank/Express, Po Box 182789, Columbus, OH 43218-2789
 14401832 +E-mail/Text: ccusa@ccuhome.com Jul 13 2019 02:53:18 Credit Coll/Usa, Po Box 873, Morgantown, WV 26507-0873
 14401833 +E-mail/Text: bdsupport@creditmanagementcompany.com Jul 13 2019 02:54:26 Credit Management Co, 2121 Noblestown Rd, Pittsburgh, PA 15205-3956
 14401834 +E-mail/Text: bdsupport@creditmanagementcompany.com Jul 13 2019 02:54:26 Credit Management Company, 2121 Noblestown Road, Pittsburg, PA 15205-3956
 14401839 E-mail/PDF: gecsed@recoverycorp.com Jul 13 2019 02:57:54 Gemb/Jcp, Po Box 984100, El Paso, TX 79998
 14401844 +E-mail/PDF: resurgentbknofications@resurgent.com Jul 13 2019 02:57:34 LVNV Funding, Citibank, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 14401845 E-mail/PDF: resurgentbknofications@resurgent.com Jul 13 2019 02:57:34 LVNV Funding, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 14680221 E-mail/PDF: resurgentbknofications@resurgent.com Jul 13 2019 02:57:33 LVNV Funding, LLC its successors and assigns as, assignee of North Star Capital, Acquisition LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 14691895 E-mail/PDF: resurgentbknofications@resurgent.com Jul 13 2019 02:57:00 LVNV Funding, LLC its successors and assigns as, assignee of CitiFinancial, Inc., Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 14401847 +E-mail/Text: bankruptcydpt@mcmcg.com Jul 13 2019 02:54:04 Midland Credit Management, 8875 Aero Dr, San Diego, CA 92123-2255
 14401848 +E-mail/Text: bankruptcy@sccompanies.com Jul 13 2019 02:54:48 Midnight Velvet, 1112 7th Ave, Monroe, WI 53566-1364
 14401854 +E-mail/Text: ebn@vativrecovery.com Jul 13 2019 02:53:29 Palisades Collection, 210 Sylvan Ave, Englewood, NJ 07632-2510

District/off: 0315-2

User: ctak
Form ID: 149

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Total Noticed: 57

Date Rcvd: Jul 12, 2019

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

14401855 E-mail/Text: bnc-quantum@quantum3group.com Jul 13 2019 02:53:48 Quantum3 Group LLC,
P.O. Box 788, Kirkland, WA 98083-0788
14401856 E-mail/PDF: resurgentbknofications@resurgent.com Jul 13 2019 02:57:01
Resurgent Capital Services, PO Box 10826, Greenville, SC 29603-0826
14401858 E-mail/PDF: resurgentbknofications@resurgent.com Jul 13 2019 02:57:33
Roundup Funding, LLC, MS 550, P.O. Box 91121, Seattle, WA 98111-9221
14401860 +E-mail/Text: BKRMailOPS@weltman.com Jul 13 2019 02:53:31 Shaws Jewelers, 375 Ghent Rd,
Fairlawn, OH 44333-4601
14401863 +E-mail/Text: wfmelectronicbankruptcynotifications@verizonwireless.com Jul 13 2019 02:53:15
Verizon Wireless/Great, 1515 Woodfield Rd Stel40, Schaumburg, IL 60173-6046
14401867 +E-mail/Text: bankruptcy@firstenergycorp.com Jul 13 2019 02:54:11 West Penn Power,
c/o First Energy, Revenue Assurance, 1310 Fairmont Avenue, Fairmont, WV 26554-3526
14674700 +E-mail/Text: bankruptcy@firstenergycorp.com Jul 13 2019 02:54:11 West Penn Power,
5001 NASA Blvd, Fairmont WV 26554-8248
14401868 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Jul 13 2019 02:53:41 Wfnnb/Express,
Po Box 330066, Northglenn, CO 80233-8066
14401871 +E-mail/Text: bncmail@w-legal.com Jul 13 2019 02:54:14 World Financial Network National Bank,
Value City Furniture, c/o Weinstein & Riley, P.S., 2101 Fourth Avenue, Suite 900,
Seattle, WA 98121-2339

TOTAL: 24

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr JPMORGAN CHASE BANK, NATIONAL ASSOCIATION
14521938* +Advanced Recovery System, 901 E 8th Ave Ste 206, King Of Prussia, PA 19406-1354
14521939* +Andrew F. Gornall, Esquire, KML Law Group, P.C., 701 Market Street, Suite 5000,
Philadelphia, PA 19106-1541
14521940* +Asset Acceptance, Po Box 2036, Warren, MI 48090-2036
14521941* At&T, Po Box 57907 Attn: Dispute Investigatio, Murray, UT 84157-0907
14521986* ++CHASE CARD SERVICES, 201 NORTH WALNUT STREET, ATTN MARK PASCALE, MAIL STOP DE1-1406,
WILMINGTON DE 19801-2920
(address filed with court: Washington Mutual, Po Box 1093, Northridge, CA 91328)
14521942* +Capital One, PO Box 71083, Charlotte, NC 28272-1083
14521943* +Certegey, P.O. Box 30046, Tampa, FL 33630-3046
14521944* +Chase, Po Box 24696, Columbus, OH 43224-0696
14521945* Chase Manhattan Bank, PO Box 830016, Baltimore, MD 21283
14521946* Citifinancial, PO Box 830016, Baltimore, MD 21283
14521947* +Colonial Acceptance, 312 Fallowfield Ave, Charleroi, PA 15022-1405
14401830* +Colonial Acceptance Co, 312 Fallowfield Ave, Charleroi, PA 15022-1405
14521948* +Colonial Acceptance Co, 312 Fallowfield Ave, Charleroi, PA 15022-1405
14521949* +Comenity Bank/Express, Po Box 182789, Columbus, OH 43218-2789
14521950* +Credit Coll/Usa, Po Box 873, Morgantown, WV 26507-0873
14521951* +Credit Management Co, 2121 Noblestown Rd, Pittsburgh, PA 15205-3956
14521952* +Credit Management Company, 2121 Noblestown Road, Pittsburg, PA 15205-3956
14521955* ECS of Pennsylvania, P.O. Box 5020, Knoxville, TN 37950
14521953* +Eagle Emergency Care Inc., PO Box 28, Washington, PA 15301-0028
14521956* +First Premier Bank, 601 S Minnesota Ave, Sioux Falls, SD 57104-4868
14521957* Gemb/Jcp, Po Box 984100, El Paso, TX 79998
14521959* +HVHS, 2 Peartree Way, Beaver, PA 15009-1954
14521958* +Hsbc Bank, Po Box 5253, Carol Stream, IL 60197-5253
14521960* +JP Morgan Chase Bank, 7255 Baymeadows Way, Mailstop JAXB2007, Jacksonville, FL 32256-6851
14521961* +KML Law Group, Suite 5000-Mellon Independence Center, 701 Market Street,
Philadelphia, PA 19106-1538
14521963* +LVNV Funding, Citibank, Resurgent Capital Services, PO Box 10587,
Greenville, SC 29603-0587
14521964* LVNV Funding, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
14521965* +Masterfin, 333 South Anita Drive Suite 150, Orange, CA 92868-3320
14521966* +Midland Credit Management, 8875 Aero Dr, San Diego, CA 92123-2255
14521967* +Midnight Velvet, 1112 7th Ave, Monroe, WI 53566-1364
14401849* +Midnight Velvet, 1112 7th Avenue, Monroe, WI 53566-1364
14521968* +Midnight Velvet, 1112 7th Avenue, Monroe, WI 53566-1364
14521969* Mon valley Hospital, 1163 Country Club Road, Monongahela, PA 15063-1095
14521970* +National City, Pob 400104, Pittsburgh, PA 15278-0001
14521971* +Natl Recover, 4201 Crums Mill Rd, Harrisburg, PA 17112-2893
14521972* Nco Fin/55, Po Box 13570, Philadelphia, PA 19101
14521974* +Palisades Collection, 210 Sylvan Ave, Englewood, NJ 07632-2510
14521975* Quantum3 Group LLC, P.O. Box 788, Kirkland, WA 98083-0788
14521976* Resurgent Capital Services, PO Box 10826, Greenville, SC 29603-0826
14521977* +Revenue Recovery, P O Box 2698, Knoxville, TN 37901-2698
14521978* Roundup Funding, LLC, MS 550, P.O. Box 91121, Seattle, WA 98111-9221
14521979* Sears Roebuck and Co., P.O. Box 2400, Omaha, NE 68103-2400
14521980* +Shaws Jewelers, 375 Ghent Rd, Fairlawn, OH 44333-4601
14521981* +Southwest Gastroenterology, 3515 Washington Road, Suite 570, McMurray, PA 15317-3070
14521982* +United Collect Bureau, 5620 Southwyck Blvd Ste, Toledo, OH 43614-1501
14521983* +Verizon Wireless/Great, 1515 Woodfield Rd Stel40, Schaumburg, IL 60173-6046
14521984* +Washington Hospital, 155 Wilson Avenue, Washington, PA 15301-3398
14521985* +Washington Hospital, ATTN: Ed Scheddy, 155 Wilson Avenue, Washington, PA 15301-3398
14521987* +West Penn Power, c/o First Energy, Revenue Assurance, 1310 Fairmont Avenue,
Fairmont, WV 26554-3526

District/off: 0315-2

User: ctak
Form ID: 149

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Total Noticed: 57

Date Rcvd: Jul 12, 2019

***** BYPASSED RECIPIENTS (continued) *****

14521988* +Wfnnb/Express, Po Box 330066, Northglenn, CO 80233-8066
14521990* +Windstream, Attn: Support Services, 1720 Galleria Blvd., Charlotte, NC 28270-2408
14521989* +Windstream, 1720 Galleria Boulevard, Charlotte, NC 28270-2408
14521991* +World Financial Network National Bank, Value City Furniture, c/o Weinstein & Riley, P.S.,
2101 Fourth Avenue, Suite 900, Seattle, WA 98121-2339
14521992* +Zenith Acquisition, 220 John Glenn Dr # 1, Amherst, NY 14228-2246
14521954* eCAST Settlement Corp., Post Office Box 35480, Newark, NJ 07193-5480
14401829 ##+Colonial Acceptance, 312 Fallowfield Ave, Charleroi, PA 15022-1405
TOTALS: 1, * 55, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices
will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The
debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner
shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social
Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required
by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Jul 14, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email)
system on July 12, 2019 at the address(es) listed below:

James Warmbrodt on behalf of Creditor JPMORGAN CHASE BANK, NATIONAL ASSOCIATION
bkggroup@kmlawgroup.com
Office of the United States Trustee ustregion03.pi.ecf@usdoj.gov
Paul W. McElrath, Jr. on behalf of Debtor Joseph D. Caputo ecf@mcelrathlaw.com,
donotemail.ecfbackuponly@gmail.com
Paul W. McElrath, Jr. on behalf of Plaintiff Ruth N. Caputo ecf@mcelrathlaw.com,
donotemail.ecfbackuponly@gmail.com
Paul W. McElrath, Jr. on behalf of Joint Debtor Ruth N. Caputo ecf@mcelrathlaw.com,
donotemail.ecfbackuponly@gmail.com
Paul W. McElrath, Jr. on behalf of Plaintiff Joseph D. Caputo ecf@mcelrathlaw.com,
donotemail.ecfbackuponly@gmail.com
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 7